

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

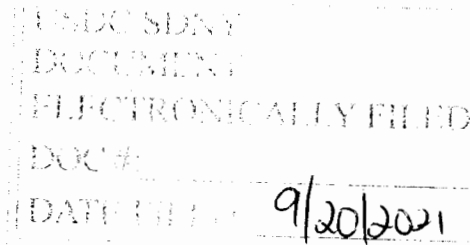
-----X
MANDELA T. BROCK,

Plaintiff,

-against-

PRIME NOW LLC, et al.,

Defendants.
-----X



20 **CIVIL** 9055 (VEC)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 19, 2021, the R&R is adopted in full, Defendants' motion to dismiss is granted, and this case is DISMISSED. Plaintiff's federal claims are dismissed with prejudice, while Plaintiff's state law claims are REMANDED to state court. Because the R&R gave the parties adequate warning, see R&R at 20, the failure to file any objections to the R&R precludes appellate review of this decision. See *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). Because appellate review is precluded, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Order would not be taken in good faith, and, therefore, permission to proceed in forma pauperis for purposes of appeal is denied.

Dated: New York, New York
September 20, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

R. Manago

Deputy Clerk